

Message Text

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ORIGIN IO-03

INFO OCT-01 ADP-00 /004 R

66643
DRAFTED BY: IO/SA:LEKAHNA
08/29/73 EXT 22468
APPROVED BY: IO/SA:LEKAHN
----- 089890
R 291802Z AUG 73
FM SECSTATE WASHDC
TO AMEMBASSY TOKYO

C O N F I D E N T I A L STATE 171985

FOR: ASSISTANT SECRETARY DAVID H. POPPER

FOL TEL FROM ROME AUG 28, 1973 TO SECSTATE INFO TEL AVIV
BEIRUT AND USUN IS REPTD.

QTE C O N F I D E N T I A L ROME 8809

E.O. 11652: GDS
TAGS: ICAO, ETRN, PFOR
SUBJECT: CIVAIR: ROME CONFERENCE/ASSEMBLY

FROM AMBASSADOR ROUNTREE

REF: ROME 8762

1. AS REPORTED REFTEL I BEGAN CONSULTATIONS THIS
MORNING WITH LEBANESE DELEGATE, KHALIL HADDAD, WITH
MAIN OBJECT OF ENCOURAGING MODERATION IN ARAB POSITION
VIS-A-VIS ISRAEL. I SPECIFICALLY URGED THAT ARABS
NOT SEEK SANCTIONS AGAINST ISRAEL OR MAKE PROPOSALS
WHICH WOULD OTHERWISE DESTROY UNANIMITY GAINED IN
UNSC AND MONTREAL ICAO COUNCIL MEETINGS.
FOLLOWING THIS MEETING I PROVIDED TO HADDAD
COPY OF LEGAL DOCUMENT PREPARED BY US DEL LAWYERS
ARGUING AGAINST LEGALITY OF SOUTH AFRICAN TYPE
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PENALTY APPLIED TO ISRAEL.

2. I WAS IMPRESSED WITH HADDAD'S MODERATION
AND APPARENT DETERMINATION TO EXERCISE CONSTRUCTIVE

INFLUENCE UPON ARAB DELEGATES. I SAW HADDAD AGAIN THIS EVENING AND FROM HIS REPORT IT SEEMS CLEAR HE HAS SUCCEEDED TO A GRATIFYING DEGREE. HE GAVE ME A COPY OF THE PROPOSED RESOLUTION WHICH HE SAID ALL ARAB DELEGATES NOW PREPARED TO ACCEPT.

3. TEXT IS AS FOLLOWS:

QTE FORCIBLE DIVERSION AND SEIZURE ON 10 AUGUST 1973 BY ISRAELI MILITARY AIRCRAFT OF LEBANESE CIVIL AIRCRAFT THE ASSEMBLY,
HAVING CONSIDERED THE ITEM CONCERNING THE FORCIBLE DIVERSION AND SEIZURE BY ISRAELI MILITARY AIRCRAFT ON 10 AUGUST 1973 OF A LEBANESE CIVIL AIRCRAFT CHARTERED BY IRAQI AIRWAYS;

CONSIDERING THAT ISRAEL, BY THIS ACTION, VIOLATED LEBANESE AIRSPACE, JEOPARDIZED AIR TRAFFIC AT BEIRUT CIVIL AIRPORT AND COMMITTED A SERIOUS ACT OF UNLAWFUL INTERFERENCE WITH INTERNATIONAL CIVIL AVIATION;

NOTING THAT THE UNITED NATIONS SECURITY COUNCIL, BY ITS RESOLUTION 337 (1973) ADOPTED ON 15 AUGUST 1973, HAS CONDEMNED ISRAEL FOR VIOLATING LEBANON'S SOVEREIGNTY AND FOR THE FORCIBLE DIVERSION AND SEIZURE OF A LEBANESE CIVIL AIRCRAFT AND HAS CALLED ON ICAO TO TAKE DUE ACCOUNT OF THE ABOVE-MENTIONED RESOLUTION WHEN CONSIDERING ADEQUATE MEASURES TO SAFEGUARD INTERNATIONAL CIVIL AVIATION;

NOTING THAT THE ICAO COUNCIL, ON 20 AUGUST 1973, CONDEMNED ISRAEL FOR ITS ACTION;

RECALLING THAT THE UNITED NATIONS SECURITY COUNCIL IN ITS RESOLUTION 262 IN 1968 CONDEMNED ISRAEL FOR ITS PREMEDITATED ACTION AGAINST BEIRUT CIVIL AIRPORT WHICH RESULTED IN THE DESTRUCTION OF THIRTEEN COMMERCIAL AND CIVIL AIRCRAFT, AND RECALLING THAT THE ASSEMBLY OF ICAO IN ITS RESOLUTION A19-1 CONDEMNED THE ISRAELI ACTION WHICH RESULTED IN THE LOSS OF 108 INNOCENT LIVES AND THAT THE COUNCIL, BY ITS RESOLUTION OF 4 JUNE 1973, STRONGLY CONDEMNED THE ISRAELI ACTION
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AND URGED ISRAEL TO COMPLY WITH THE AIMS AND OBJECTIVES OF THE CHICAGO CONVENTION;

1) STRONGLY CONDEMNS ISRAEL FOR VIOLATING LEBANON'S SOVEREIGNTY AND FOR THE FORCIBLE DIVERSION AND SEIZURE OF A LEBANESE CIVIL AIRCRAFT;

2) URGENTLY CALLS UPON ISRAEL TO DESIST FROM COMMITTING ACTS OF UNLAWFUL INTERFERENCE WITH INTERNATIONAL CIVIL AIR TRANSPORT AND AIRPORTS AND OTHER FACILITIES SERVING SUCH TRANSPORT;

3) SOLEMNLY WARNS ISRAEL THAT IF IT CONTINUES COMMITTING SUCH ACTS THE ASSEMBLY WILL TAKE FURTHER MEASURES TO PROTECT INTERNATIONAL CIVIL AVIATION AGAINST ISRAEL. UNQTE

4. I WOULD APPRECIATE RECEIVING MOST URGENTLY DEPT COMMENTS ON FOREGOING DRAFT. I HOPE COMMENTS WOULD INDICATE DEGREE OF IMPORTANCE ANY SUGGESTED CHANGES, HOPEFULLY PROVIDING TO ME MAXIMUM FLEXIBILITY IN NEGOTIATIONS. IN MAKING SUGGESTIONS, I KNOW DEPT WILL APPRECIATE NATURE OF ICAO ASSEMBLY AS CONTRASTED WITH MORE SELECTIVE CHARACTER OF UNSC AND ICAO COUNCIL. THE DECISION UPON ANY SUCH RESOLUTION WILL BE TAKEN BY SIMPLE MAJORITY IN ASSEMBLY WHICH IS HEAVILY DOMINATED BY THIRD WORLD.

5. DEPT WILL APPRECIATE THAT IN CIRCUMSTANCES PREVAILING HERE IT IS HIGHLY IMPORTANT THAT I HAVE BY MORNING 29 AUGUST LOCAL TIME AT LEAST SOME INDICATION OF DEPT'S REACTION.

6. WHILE US DEL HAS NOT HAD OPPORTUNITY FOR CAREFUL STUDY OF LEBANESE DRAFT RESOLUTION OUR INITIAL REACTION IS AS FOLLOWS: (A) OUR ABILITY TO ACCEPT A RESOLUTION SUBSTANTIALLY ALONG THE LINES PROPOSED, AND WILLINGNESS OF ARAB DELEGATIONS TO ACCEPT CHANGES WHICH WE STRONGLY DESIRE WOULD PERMIT MOST FAVORABLE POSSIBLE DISPOSITION OF THIS HIGHLY TROUBLESOME ISSUE WHICH OTHERWISE COULD FRUSTRATE EFFORTS TO ACHIEVE ANYTHING CONSTRUCTIVE AT MEETINGS HERE. MOREOVER, FAILURE OF THIS RESOLUTION WOULD RESULT IN MUCH STRONGER ACTION AGAINST ISRAEL PROBABLY HIGHLY DETRIMENTAL TO ITS CIVIL
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AVIATION. (B) REVIEW OF PREAMBLE INDICATES THAT IT CONFORMS TO THAT OF EITHER UNSC OR ICAO COUNCIL RESOLUTIONS AND WOULD, THEREFORE, APPEAR TO OFFER NO SUBSTANTIAL PROBLEM. WE WOULD PREFER IN CONTINUATION OF PERSONAL CONVERSATIONS WITH HADDAD TO URGE DELETION OF THE WORD QTE STRONGLY UNQTE IN OPERATIVE PARA 1 AND SUBSTITUTION OF THW WORD QTE CONSIDER UNQTE FOR QTE TAKEN UNQTE IN OPERATIVE PARA 3. WE, OF COURSE, RECOGNIZE THAT HADDAD HIMSELF MAY HAVE EXTREMELY LIMITED FLEXIBILITY AND THAT THESE CHANGES MIGHT BE UNACCEPTABLE TO ARAB DELEGATIONS AS A WHOLE. (C) THIS DRAFT RESOLUTION SHOULD NOT REPEAT NOT AT THIS STAGE BE PASSED BY US TO ISRAEL SINCE IT WAS RECEIVED BY US IN CONFIDENCE AND KNOWLEDGE OF ITS CONTENTS MIGHT CAUSE ISRAELI DELEGATION TO BE LESS CONSTRUCTIVE IN STATEMENTS WHICH WE HAVE URGED THEM TO MA262 IN 1968 CONDEMNED ISRAEL FOR ITS PREMEDITATED ACTION AGAINST BEIRUT CIVIL AIRPORT WHICH RESULTED IN THE DESTRUCTION OF THIRTEEN COMMERCIAL AND CIVIL AIRCRAFT, AND RECALLING THAT THE ASSEMBLY OF ICAO IN ITS RESOLUTION A19-1 CONDEMNED THE ISRAELI ACTION WHICH RESULTED IN THE LOSS OF 108

INNOCENT LIVES AND THAT THE COUNCIL, BY ITS RESOLUTION OF 4 JUNE 1973, STRONGLY CONDEMNED THE ISRAELI ACTION AND URGED ISRAEL TO COMPLY WITH THE AIMS AND OBJECTIVES OF THE CHICAGO CONVENTION;

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6. WHILE US DEL HAS NOT HAD OPPORTUNITY FOR CAREFU

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Message Attributes

Automatic Decaptioning: X
Capture Date: 10 MAY 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIRCRAFT HIJACKING, AIRCRAFT DETENTION, DIPLOMATIC RELATIONS INTERRUPTION, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: elyme
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE171985
Document Source: ADS
Document Unique ID: 00
Drafter: IO/SA:LEKAHNA
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730869/abqceike.tel
Line Count: 200
Locator: TEXT ON-LINE
Office: ORIGIN IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: ROME 8762
Review Action: RELEASED, APPROVED
Review Authority: elyme
Review Comment: n/a
Review Content Flags: ANOMALY
Review Date: 12 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12-Sep-2001 by thigpegh>; APPROVED <11-Dec-2001 by elyme>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: ROME CONFERENCE/ASSEMBLY
TAGS: ETRN, PFOR, IT, IS, LE, ICAO
To: TOKYO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005